

125-67.BB. SIGNAGE

(1) PURPOSE AND INTENT

To establish clear direction on regulating and reviewing signage by applying fair standards that will prescribe fair and consistent standards in order to:

Allow advertisement of good and services

Enhance the character of the area

Enhance architectural elements of a building

Use minimum wording and sign size to avoid cluttered appearance

Encourage compatible materials, scale and design to provide consistency with the existing building and its environs

Improve traffic, pedestrian and public safety

Protect and enhance property values

Respect the historical elements of a building, property and district

(2) EXEMPTIONS:

The following signs are exempt from this Section and may be installed in any district without permit, provided that the following is complied with:

- (a) **Authorized signs** installed by the Town of Bar Harbor, the Federal government, or the State of Maine for the

**Sign Ordinance draft
10.9.08 workshop**

purposes of traffic control, traffic or pedestrian safety or convenience, as well as public notices and warnings.

- (b) **Political signs** on private properties or vehicles only, provided that such sign shall not exceed six square feet in sign area, shall not be placed in such location as to constitute a traffic or pedestrian safety hazard, and shall not be displayed for more than forty-two days prior to the appropriate election or more than two days following such election.
- (c) **Holiday decorations** which contain no commercial messages and which are displayed during the appropriate season.
- (d) **Fuel pump signs** only as required by State law, are allowed and shall not affect the computation of allowable number of signs or aggregate sign size on a property.
- (e) Any sign within a structure which is not visible from other properties or from any street right-of-way.
- (f) **Residential Identification Signs**, showing resident's name and street address.
- (g) **United States flags, State of Maine flags**
- (h) **National Register of Buildings or Places Markers or Plaques**
- (i) Signs as listed and noted accordingly in **Appendix A** as historic are exempt from calculations of maximum sign area and lighting requirements;

(3) PROHIBITIONS:

- (a) No sign shall hereafter be erected, altered, or changed except in conformity with the provisions of this chapter.
- (b) No sign, whether new or existing, shall be permitted that causes a traffic, health, or welfare hazard, or results in a

Sign Ordinance draft
10.9.08 workshop

nuisance, due to illumination, placement, display or manner of construction.

- (c) No sign in a business district shall be located closer than 25 feet to any adjoining lot in a residential district, and no sign shall be located in the rear or side yard of any premises which abuts a lot in a residential district.
- (d) Except for permitted off-premises signs, signs located on private property relating to goods or services not sold or rendered on that property are not permitted.
- (e) No sign shall have visible moving parts, or blinking, intermittent, moving, or glaring illumination, or consist, in whole or in part, of banners, pennants, ribbons, streamers, spinners or other similar devices. No sign or other advertisement shall include the use of smoke, vapors, noxious odors or noise. Analog clocks, analog thermometers, national or state flags, and temporary banners otherwise permitted shall be allowed as the only exceptions to this subsection.
- (f) Outdoor neon signs are prohibited, except that neon signs containing only the words "Vacancy" or "No Vacancy" and limited to a maximum sign area of two square feet are permitted for transient accommodations classified as TA-2, TA-5, TA-7 or TA-8 and located in business and corridor districts.
- (g) No sign shall be erected, maintained, painted, drawn or attached to or on any tree, utility pole, rock or other natural feature, except that this subsection shall not be deemed to prohibit the attachment to rocks of metal commemorative plaques.
- (h) Internally illuminated signs in the downtown business districts.

Sign Ordinance draft
10.9.08 workshop

- (4) **CONDITIONAL SIGNS** – signs noted below are allowed without a permit and shall not be counted toward allowable square footage for signs, subject to noted conditions
- (a) Signs in the **State Department of Transportation Official Business Directional Sign Program** as set forth in the Maine Traveler Information Services Act, 23 M.R.S.A. § 1901 et seq., is permitted.
 - (b) Political posters, advertisements of charitable functions, notices of meetings, and **other noncommercial signs** of a similar nature, are allowed and shall be removed within 72 hours of the close of the event.
 - (c) For an event wholly within a **Town park** for which the event holder must obtain permission from the Town Council, approval of any banners or signs within the park to advertise the event may be given by the Town Council, upon recommendation of the Parks and Recreation Committee.
 - (d) Signs located on the rolling stock of common carriers and on registered and inspected motor vehicles are permitted, except such signs which are determined by the Code Enforcement Officer to be circumventing the intent of these regulations.
 - (e) Any restaurant may display its **menu** in a manner so that it is visible to persons passing by the outside of said restaurant provided that the displayed menu is no larger than the menus actually distributed to the restaurant's customers and provided that it is displayed in a frame.
 - (f) One **real estate sign**, not exceeding 6 square feet in area, may be erected advertising the sale, lease or rental of the premises upon which the sign is located and shall be removed by the owner or agent when the property is sold or leased.
 - (g) **Garage/Yard Sale Signs**, limited to one sign located on the property on which the garage/yard sale is taking place and one at each of no more than two intersections of public streets. Said

**Sign Ordinance draft
10.9.08 workshop**

- sign shall be placed no more than 2 days prior to the sale and removed within 1 day after the event.
- (h) One development or **construction sign**, not exceeding 20 square feet in area, may be erected at the site of a construction project solely to identify the project and contractors and shall be removed within 30 days after completion of the project.
 - (i) **Directional signs** solely indicating ingress and egress placed at driveway locations, containing no advertising material or display area, not exceeding two square feet, and not extending higher than four feet above ground level are permitted.
 - (j) Signs indicating a business is open or closed and may include hours of operation not to exceed one per entry and shall not be more than 8 ½ x 11".
 - (k) Flags containing the word "**open**" for businesses having frontage on Routes 102, and, on Route 3 from the municipal boundary with Trenton to the intersection of West Street and from the intersection with Park Street to the municipal boundary with Mount Desert.
 - (m) **Vending and dispensing machines**
- (5) GENERAL REQUIREMENTS FOR ALL SIGNS**
- (a) **Safety and neatness.** All signs must be kept clean, neatly painted, and free of all hazards, such as, but not limited to, faulty wiring or loose fastenings and must be maintained at all times in safe condition. The owner of any sign shall, at all times, maintain such liability insurance as may be required by the Code Enforcement Officer.
 - (b) **Removal of signs for discontinued use.** Unless otherwise required, any sign which for a discontinued use or a past activity/event, within 30 days, shall be taken down and removed. This provision shall not be construed to require the owners of seasonal businesses to remove signs at the end of each season.

**Sign Ordinance draft
10.9.08 workshop**

- (c) **Erected on private property only.** All signs must be located on private property, with the exception of official business directional signs as defined in 23 M.R.S.A. § 1903 and any other traffic or directional signs erected by the state or federal government or by the Town of Bar Harbor.
- (d) **Maximum sign area.** The aggregate area for signs for any premises shall not exceed two square feet per one foot of road frontage. Aggregate sign area may be increased upon review of the Design Review Board for multi-tenant sign plans, signage for property with multiple front property lines, and, campus sign plans that meet the purpose and intent of the sign ordinance.
- (e) **Wall signs.** The maximum area of a wall sign shall not exceed 10% of the wall area to which it is attached. Only one wall sign per façade facing a street shall be allowed.
- (f) **Window and door signs.** Permanent window and door signs shall not exceed 30% of the window or door area.
- (g) **Freestanding signs.** A sign that is not fixed or otherwise attached to a principal or accessory structure shall the following maximum size requirements:

Posted Speed Limit	Maximum Allowable Sign Square footage
25 or under	24
Over 25 and no more than 50	32
55	50

- (h) **Setback.** All freestanding signs shall be set back a minimum of five feet from any property line in all districts.
 - (i) **Illumination.** The illumination of all signs shall comply in all respects with the provisions of Subsection Z of this section.
- (7) **SIGNS SUBJECT TO THE REVIEW BY THE DESIGN REVIEW BOARD FOR A CERTIFICATE OF APPROPRIATENESS**

Sign Ordinance draft
10.9.08 workshop

All signs listed below in the following districts are required to receive a Certificate of Appropriateness from the Design Review Board prior to receiving a building permit: Downtown Business Districts; Bar Harbor Historic. Bar Harbor Corridor; Bar Harbor Historical Corridor; Educational Institution; Town Hill Business; Town Hill Residential Corridor; Marine Research; Educational Institution; Scientific Research; lots with frontage on Route 3. Signs in other districts shall receive a building permit from the Code Enforcement Office prior to erecting the sign. All signs shall be reviewed to determine if the sign meet the Purpose and Intent of this Ordinance.

- (a) **Wall signs, window signs, free-standing signs**
- (b) **Sandwich signs or boards**
- (c) **Indoor neon signs visible from the street.** Allowed neon signs shall be for the purpose of displaying whether the business is open, or what type of merchandise is available for purchase. Neon signs are part of the calculation for allowed signage and shall not exceed 10% of a building's signage allotment.
- (d) **Sales flyers, banners and signs for Chamber events, ongoing commercial events and sales, drives and large gatherings,** and other advertisement needs not otherwise regulated. The Design Review Board shall review the color, size, compatible design, quantity, the length of time for display, and the locations. Such displays shall not visually impede upon existing commercial signs, nor block public views in public parks.
- (e) **Off-premises signs.** Off-premises signs, excluding official business directional signs as defined in 23 M.R.S.A. § 1903, may be constructed, erected or maintained only in accord with the following:
 - [1] Location of establishment.
 - [a] Any commercial establishment having frontage on the Old Bar Harbor Road, Sand Point Road, Norway Drive,

**Sign Ordinance draft
10.9.08 workshop**

or the Hadley Point Road shall be permitted to have up to four off-premises signs.

- [b] Any commercial establishment not having frontage on Maine State Route 102 or 233 or on Eden, Mount Desert, Main, Cottage, or West Street shall be permitted to have up to two off-premises signs.
- [c] Any commercial establishment having frontage on Maine State Route 102 or 233 or on Eden, Mount Desert, Main, Cottage or West Street shall not have off-premises signs.
- [3] Off-premises signs shall be directional only in nature.
- [4] The maximum area of any off-premises sign shall be limited dependent upon its location according to the following:

Location of Sign	Permitted Area (square feet)
In the area bounded by and including the Atlantic Ocean, Eden Street and Mount Desert Street and the imaginary extension thereof shoreward	2
On roads with speed limits less than 30 miles per hour	4
On roads with speed limits of 30 to 49 miles per hour	8
On roads with speed limits greater than 49 miles per hour	12

- (f) **Multi-tenant buildings:** A signage plan shall be submitted to the Design Review Board. No individual sign shall be approved on a multi-tenant building unless a signage plan has been submitted and approved. There shall not be more than one wall sign per business within the building. The signage plan shall

**Sign Ordinance draft
10.9.08 workshop**

show the size, quantity, placement, materials, and framing, coordinated graphic and design standards for each such sign and the assemblage thereof proposed within said allowable maximum sign area, together with proposed lighting and methods of attachment of all such signs. The signage plan need not show the specific message content for any individual sign contained therein; but as changes occur, individual sign content will be reviewed.

- (g) **Taxi or tour stands sign.**
- (h) **Activity/program signboard:** chalkboard or grease board or wood panel.
- (i) **Other portable signs** not otherwise listed unless specifically prohibited.
- (j) **Campus signage:** in the Education Institute, Marine Research and Scientific Research districts, a campus sign plan shall be submitted to the Design Review Board for their review. A campus sign plan shall show the entire site plan outlining the location and design specification for entry point signs, internal building signs, directional signs and any other pertinent signage to the Design Review Board. The Board's review will be to determine adequate locations, ease and safety for finding parking and buildings, and a review of a design for an overall cohesive design theme.
- (k) **Awning or canopy** with lettering.
 - [1] Lettering or graphics shall be placed on a valance of no more than 12 inches attached at the awning bar;
 - [2] Graphics on an awning or canopy or attached valance are considered signage and must comply with the requirements of this chapter relating to signs.
- (l) **Kiosks** for the purpose of visitor way finding and general information sponsored and maintained by either the Town of Bar Harbor or a private non-profit agency
- (m) **Internally illuminated signs** (opaque background only and only allowable on Routes 102 and 3, respectively.)

(8) NON-CONFORMING SIGNS

- (a) Defined. A legally existing (grandfathered) nonconforming sign is a sign that lawfully existed immediately prior to July 2008 which, as a result of the enactment of the 2008 Bar Harbor Land Use Ordinance, or any subsequent amendment, presently fails to comply with any of the requirements of the ordinance or its amendments. Any other sign that fails to comply with any of the requirements of this chapter or its amendments is an illegal nonconformity.
- (b) General policies.
 - [1] All nonconformities shall be encouraged to convert to conformity whenever possible and, when required by this chapter, shall convert to conformity.
 - [2] Any nonconformity not expressly allowed to exist by this Subsection BB(7) is hereby deemed illegal and shall cease or be corrected immediately.
 - [3] The burden of establishing that any nonconformity is a legal nonconformity shall, in all cases, be upon the owner of such nonconformity and not upon the Town of Bar Harbor.
 - [4] Any legally existing nonconformity may be transferred and the new owner may continue such nonconformity; provided, however, that nothing contained herein shall be construed to permit any person or entity to display any sign in violation of any other federal, state or municipal statute, ordinance or regulation.
 - [5] Once converted to conformity, no sign shall revert to nonconformity.
 - [6] Notwithstanding any other provision of this chapter, legally existing nonconforming signs shall not be exempt from and shall be required to comply with Subsection BB(1), General standards, (2)(b), Nuisances or welfare hazards, (2)(c), Premises abutting residential districts and 2(d), Message related to premises only, and any

**Sign Ordinance draft
10.9.08 workshop**

provisions relating to the number of signs allowed for a premises, business or use.¹

- (c) Continued use of nonconforming signs. The use or display of any legally existing nonconforming sign may be continued, but only in strict compliance with the following:
- [1] No nonconforming sign shall be enlarged, increased or extended to occupy a greater area than it occupied when it became nonconforming or in any other way that increases its nonconformity.
 - [2] A legally existing nonconforming sign may be replaced only with a sign that complies with this chapter in all respects, except that a legally existing nonconforming sign, the replacement of which is necessitated by the vandalism of persons other than the owner or his or her agents, or by a force of nature, may be replaced with a sign identical in all respects to the one being replaced.
 - [3] Any sign removed pursuant to the provisions of Subsection BB(1)(b) may be replaced only with a sign that complies with this chapter in all respects.

Other LUO changes with this:

- Removal of signage criteria and requirements in Section 125-114
- Insert criteria for approval for Section 125-114.E.
- Removal of definition of temporary signs in Section 125-109

¹ These references need to be verified